

HERRERA KENNEDY LLP
Shawn M. Kennedy (SBN 218472)
skennedy@herrerakennedy.com
4590 MacArthur Blvd., Suite 500
Newport Beach, CA 92660
Tel: (949) 936-0900
Fax: (855) 969-2050

LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
Rachel Geman (Pro Hac Vice)
rgeman@lchb.com
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Tel: (212) 355-9500
Fax: (212) 355-9592

BURNS CHAREST LLP
Christopher J. Cormier (Pro Hac Vice)
ccormier@burnscharest.com
4725 Wisconsin Avenue, NW, Suite 200
Washington, DC 20016
Tel: (202) 577-3977
Fax: (469) 444-5002

Interim Co-Lead Class Counsel
(Additional counsel on signature page)

COOLEY LLP
Michael G. Rhodes (SBN 116127)
rhodesmg@cooley.com
Whitty Somvichian (SBN 194463)
wsomvichian@cooley.com
Kyle C. Wong (SBN 224021)
kwong@cooley.com
Lauren J. Pomeroy (SBN 291604)
lpomeroy@cooley.com
Ellie Barczak (SBN 329180)
ebarczak@cooley.com
Cameron J. Clark (SBN 313039)
cclark@cooley.com
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Tel: (415) 693-2181
Fax: (415) 693-2222

Attorneys for Defendant PLAID INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY
LITIGATION

Master Docket No.: 4:20-cv-03056-DMR

**STIPULATION AND [PROPOSED] ORDER RE
PLAINTIFFS' MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Hon. Donna M. Ryu
Action Filed: May 4, 2020
Trial Date: None Set

Pursuant to Civil Local Rules 7-12 and 6-2, Plaintiffs and Defendant Plaid Inc. (collectively, the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, as a result of months-long settlement efforts, on June 11, 2021, the Parties reached agreement on certain material settlement terms;

WHEREAS on June 16, 2021, the Parties filed a stipulation to stay all non-settlement proceedings in this action until July 29, 2021, pending finalization and execution of a long form settlement agreement (Dkt. 132), which was granted on June 17, 2021 (Dkt. 133);

WHEREAS, over the following weeks, the Parties have worked diligently to negotiate the finer points of a comprehensive settlement of this action;

WHEREAS, on July 30, 2021, the Parties executed a settlement agreement to resolve the claims in this action on a classwide basis (the “Settlement”);

WHEREAS, Plaintiffs intend to file a motion for preliminary approval of the proposed Settlement promptly (within one business day) on receipt of the Court’s order on this stipulation;

WHEREAS, the documents Plaintiffs intend to file comprising preliminary approval are attached as Exhibits A – F, with Exhibit A being the Notice of Motion and Motion; Exhibit B being the Memorandum of Points and Authorities in Support of the Motion; Exhibit C being the Declaration of Shawn M. Kennedy, with exhibits; Exhibit D being the Declaration of Steven Weisbrot, with exhibits; Exhibit E being the Declaration of the Honorable Jay C. Gandhi (Ret.); and Exhibit F being the Proposed Order Granting Preliminary Approval of Settlement;

WHEREAS, pursuant to Local Rule 7-4(b), Plaintiffs’ memorandum in support of their motion for preliminary settlement approval may not exceed 25 pages unless the Court orders otherwise; and

WHEREAS, Interim Class and Co-Lead Plaintiffs’ Counsel have concluded that up to 40 pages will be required to fully address the requirements for the propriety of eventual certification of the settlement class and preliminary approval under Federal Rule of Civil Procedure 23 and this District’s Procedural Guidance for Class Action Settlements, and Plaid does not oppose an expansion of the page limits for Plaintiffs’ memorandum in support of their motion for

preliminary approval;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the Parties, through their respective counsel and subject to the Court's approval, that:

1. The page limit for the memorandum in support of Plaintiffs' motion for preliminary settlement approval is extended to 40 pages.

2. The Plaintiffs are ordered to file the documents attached as Exhibits A-F.

3. The Case Management Conference set for August 18, 2021 is taken off calendar, and Plaintiffs' motion for preliminary approval is set for August 26, 2021 at 1:30 p.m.

Dated: August 5, 2021

Respectfully submitted,

HERRERA KENNEDY LLP

By: /s/ Shawn M. Kennedy
Shawn M. Kennedy

Shawn M. Kennedy (SBN 218472)
skennedy@herrerakennedy.com
Bret D. Hembd (SBN 272826)
bhembd@herrerakennedy.com
4590 MacArthur Blvd., Suite 500
Newport Beach, CA 92660
Telephone: (949) 936-0900
Fax: (855) 969-2050

HERRERA KENNEDY LLP
Nicomedes Sy Herrera (SBN 275332)
nherrera@herrerakennedy.com
Laura E. Seidl (SBN 269891)
lseidl@herrerakennedy.com
1300 Clay Street, Suite 600
Oakland, CA 94612
Telephone: (510) 422-4700
Fax: (855) 969-2050

LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
Rachel Geman (Pro Hac Vice)
rgeman@lchb.com
Rhea Ghosh (Pro Hac Vice)
rghosh@lchb.com
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Tel: (212) 355-9500
Fax: (212) 355-9592

LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
Michael W. Sobol (SBN 194857)
msobol@lchb.com
Melissa Gardner (SBN 289096)
mgardner@lchb.com
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Tel: (415) 956-1000
Fax: (415) 956-1008

BURNS CHAREST LLP
Christopher J. Cormier (Pro Hac Vice)
ccormier@burnscharest.com
4725 Wisconsin Avenue, NW
Washington, DC 20016
Tel: (202) 577-3977
Fax: (469) 444-5002

BURNS CHAREST LLP
Warren T. Burns (Pro Hac Vice)
wburns@burnscharest.com
900 Jackson Street, Suite 500
Dallas, TX 75202
Tel: (469) 904-4550
Fax: (469) 444-5002

Interim Co-Lead Class Counsel

Dated: August 5, 2021

COOLEY LLP

By: /s/ Whitty Somvichian
Whitty Somvichian

Michael G. Rhodes (SBN 116127)
rhodesmg@cooley.com
Whitty Somvichian (SBN 194463)
wsomvichian@cooley.com
Kyle C. Wong (SBN 287653)
kwong@cooley.com
Lauren J. Pomeroy (SBN 291604)
lpomeroy@cooley.com
Ellie Barczak (SBN 329180)
ebarczak@cooley.com
Cameron J. Clark (SBN 313039)
cclark@cooley.com
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Tel: (415) 693-2181
Fax: (415) 693-2222

Attorneys for Defendant Plaid Inc.

1 PURSUANT TO STIPULATION, **IT IS SO ORDERED**

2
3 Dated: _____, 2021

4 Honorable Donna M. Ryu
5 UNITED STATES MAGISTRATE JUDGE
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Filer's Attestation

In accordance with Civil Local Rule 5-1(i)(3), the filer of this document hereby attests that the concurrence to the filing of this document has been obtained from counsel for Defendant Plaid Inc.

Dated: August 5, 2021

/s/ Shawn M. Kennedy

Shawn M. Kennedy

HERRERA KENNEDY LLP